

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

	§	Chapter 11
In re:	§	
	§	Case No. 20-33233 (DRJ)
CHESAPEAKE ENERGY CORPORATION, et al.,	§	
	§	(Joint Administration Requested)
Debtors.	§	
	§	Re: Docket No. 3

MOTION FOR PARTIAL RELIEF FROM AUTOMATIC STAY

NOTICE:

THIS IS A MOTION FOR PARTIAL RELIEF FROM THE AUTOMATIC STAY. IF IT IS GRANTED, THE MOVANT MAY ACT OUTSIDE OF THE BANKRUPTCY PROCESS. IF YOU DO NOT WANT THE STAY LIFTED, IMMEDIATELY CONTACT THE MOVING PARTY TO SETTLE. IF YOU CANNOT SETTLE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY AT LEAST SEVEN (7) DAYS BEFORE THE HEARING. IF YOU CANNOT SETTLE, YOU MUST ATTEND THE HEARING. EVIDENCE MAY BE OFFERED AT THE HEARING AND THE COURT MAY RULE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE HEARING ON THIS MATTER ON OCTOBER 28, 2020, AT 2:00 O'CLOCK P.M., IN COURTROOM 400, 515 RUSK AVENUE, HOUSTON, TEXAS, 77002.

Pursuant to the provisions of 11 U.S.C. §362 and Local Rule 4001 of the Local Bankruptcy Rules, Movers Rosa M. Byers and the State of Louisiana file this Motion for Partial Relief from the automatic stay resulting from the filing of the captioned proceeding and with respect represent that:

1.

There is currently pending in Caddo Parish, Louisiana, a concursus proceeding filed by BHP Billiton Petroleum Properties (N.A.), L.P., and BHP Billiton Petroleum (TxLa Operating) Company (jointly, “BHP Billiton”) under the title “*BHP Billiton Petroleum Properties (N.A.), L.P. Et Al v. Hosier Properties, L.L.C., Et Al.*,” Docket No. 587,839-A on the docket of the First Judicial District Court in and for Caddo Parish, Louisiana (the “Concursus Proceeding”), and hereby move the Court to lift the automatic stay resulting from the filing by Chesapeake Louisiana, L.P. (“Chesapeake”), one of the defendants in the Concursus Proceeding, of a Notice of Suggestion of Pendency of Bankruptcy for Chesapeake Energy Corporation et al and Automatic Stay of these Proceedings in the Concursus Proceeding for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C.A. §101-1532. Movers show that the automatic stay should be partially lifted for the following reasons and upon the following grounds, to-wit:

2.

BHP Billiton filed the Concursus Proceeding seeking a judicial determination of the ownership of the royalties payable on production from certain lands located in Caddo Parish, Louisiana, including the lands designated as Tracts 9A, 9B and 9C, all as will more fully appear from the “Petition in Concursus” (the “Petition”), a copy of which is attached hereto and filed herewith as Exhibit 1.

3.

As will more fully appear from Paragraphs 16 and 17 of the Petition, the only claimants as to Tract 9A are Movers Rosa M. Byers and the State of Louisiana, the Martin Group and the Arkoma Group. The only alleged claimants to Tract 9B and Tract 9C are Movers.

4.

Defendants Chesapeake and FCX Oil and Gas, Inc. (the “Chesapeake Group”), although named as defendants in the Concursus Proceeding, are not alleged to have any interest or claim to the royalties attributable to Tracts 9A, 9B and 9C. See Petition, Paragraph 21, Exhibit 1. As will more fully appear from its answer filed in the Concursus Proceeding, a copy of which is attached, the Chesapeake Group has denied the allegations of Paragraph 21 for lack of information sufficient to form a belief, but has not asserted any claim to the royalties attributable to Tracts 9A, 9B or 9C.

5.

BHP has been depositing the production royalties attributable to the lands described in the Petition from the date of first production and the sum of Seven Million Nine Hundred Thirty-Eight Thousand Six Hundred Eighty-Four And 70/100 Dollars (\$7,938,684.70) is currently being held in the Registry of the First Judicial District Court pursuant to the Petition.

6.

Movers have previously filed and there is currently pending before the First Judicial District Court a Motion to Sever the claims with respect to Tracts 9A, 9B and 9C and separately try those claims, a copy of which is attached.

7.

Counsel for Rosa Byers has conferred with opposing counsel for Chesapeake in the above referenced state court action and with counsel for Chesapeake in the captioned bankruptcy proceeding and they have been unable to reach an agreement, as shown by the attached correspondence.

WHEREFORE, Movers Rosa M. Byers and the State of Louisiana pray that a copy of this Motion for Partial Relief from Automatic Stay be served upon the Debtors, Chesapeake Energy Corporation, through their counsel of record, and upon BHP Billiton Petroleum Properties (N.A.), L.P., BHP Billiton Petroleum (TxLa Operating) Company, Plaintiffs in the aforesaid Concursus Proceeding, and on the Martin Group, and the Arkoma Group, defendants and claimants to Tracts 9A, 9B and 9C and upon Chesapeake Louisiana, L.P., and that, after due proceedings had, the automatic stay resulting from the captioned Bankruptcy Proceeding be lifted as to Tracts 9A, 9B and 9C in the aforesaid Concursus Proceeding pending in the First Judicial District Court in and for Caddo Parish, Louisiana, and that the litigation with respect to Tracts 9A, 9B and 9C be allowed to proceed in due course in the First Judicial District Court in and for Caddo Parish, Louisiana.

Movers further pray for all orders and decrees necessary or proper in the premises and full general and equitable relief and all costs.

Respectfully submitted,

THE PESNELL LAW FIRM
(A Professional Law Corporation)

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